

**STATE OF CALIFORNIA
CEMETERY AND FUNERAL BUREAU
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: August 25, 2003

Subject Matter of Proposed Regulations: Cemetery and Crematory Manager Licensing Categories

Sections Affected: Title 16, California Code of Regulations, Division 23, Sections 2317, 2317.1, 2317.2, 2326.5 & 2328.1

SPECIFIC PURPOSE

Existing law, the Cemetery Law, requires a person be examined and qualified to act as a manager of a cemetery or crematory. There are currently no requirements for licensure of cemetery managers or crematory managers, or for a cemetery or crematory to notify the Cemetery and Funeral Bureau (Bureau) who the manager is, other than at the time of the initial filing of an application for a certificate of authority (cemetery) or crematory license.

Legislation enacted in 2002 (Stats. 2002, ch. 825, SB 1952 Figueroa, Stats. 2002, ch. 819, SB 17, Figueroa) requires a licensed cemetery to employ a cemetery manager and a licensed crematory to employ a crematory manager to manage, direct and supervise its operations. This legislation requires a cemetery or crematory to notify the Bureau within 10 days when there has been a change of cemetery manager or crematory manager and allows a cemetery to request approval to share a cemetery manager with another licensed cemetery.

The proposed regulations will specify the fee amounts to be charged for examination, licensure, renewal, reporting a change of cemetery manager or crematory manager, define the requirements for sharing a cemetery manager, and specify the application forms required.

The purpose of the statute and proposed regulations is to ensure that cemeteries and crematories are operated by a manager who has been examined **and** licensed by the Bureau to ensure full compliance with the applicable provisions of the Business and Professions Code, the Health and Safety Code, and any regulations adopted thereto.

Title 23, California Code of Regulations, Section 2317:

The proposed regulation would specify the fee amounts to be charged for examination, licensure, and renewal for crematory managers.

Title 23, California Code of Regulations, Section 2317.1

The proposed regulation would specify the fee amounts to be charged for examination, licensure, and renewal for cemetery managers.

Title 23, California Code of Regulations, Section 2317.2

The proposed regulation would specify the fee amounts to be charged for changing a designated cemetery manager or crematory manager and requesting approval to share a cemetery manager.

Title 23, California Code of Regulations, Section 2326.5

The proposed regulation would define the requirements for requesting approval to share a cemetery manager, defines close proximity to include cemeteries located within a 60 mile radius of the main office; and specifies the form required for requesting approval to share a cemetery manager.

Title 23, California Code of Regulations, Section 2328.1

The proposed regulation specifies the form required for submitting an application for examination or licensure as a cemetery manager or crematory manager and defines when an application is subject to abandonment due to failure to apply for licensure or failure to take the examination.

FACTUAL BASIS

Legislation enacted in 2002 (Stats. 2002, ch. 825 SB 1952, Figueroa & Stats. 2002, ch. 819, SB 17, Figueroa) requires a licensed cemetery to employ a licensed cemetery manager and a licensed crematory to employ a licensed crematory manager to manage, direct and supervise its operations. This legislation also requires a cemetery or crematory to notify the Bureau when there has been a change of manager. The new law provides that any applicant who demonstrates that he or she has, prior to January 1, 2003, successfully passed the cemetery manager or crematory manager examination may be issued a license upon application until July 1, 2004.

Specifically, Business and Professions Code Section 9723 provides the following:

“A cemetery licensed under this chapter shall at all times employ a licensed cemetery manager to manage, supervise, and direct its operations. Notwithstanding any other provision of this chapter, licensed cemeteries within close geographical proximity of each other may request the bureau to allow a licensed cemetery manager to manage, supervise, and direct the business or profession of more than one facility.

Business and Professions Code Section 9787.2 provides the following:

“A crematory shall at all times employ a licensed crematory manager to manage, supervise and direct its operations.”

UNDERLYING DATA

Statutes 2002, chapter 825, SB 1952 (Figueroa) and Statues 2002, chapter 819, SB 17 (Figueroa)

BUSINESS IMPACT

These regulations will have an impact on businesses for reporting a change of cemetery manager or crematory manager and an impact on individuals for examination, licensure and an annual renewal fee to maintain the license. Costs were estimated at \$50.00 per change of cemetery or crematory manager and \$800.00 for the cemetery manager examination and \$450.00 for the crematory manager examination. Annual renewal fees are proposed at \$80.00. The estimate the total number of businesses impacted is the total number of cemeteries and crematories currently licensed by the Bureau.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

These regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

The Bureau determined that no alternative considered would be more effective in carrying out the purpose for which the regulations is proposed or would be as effective and less burdensome to affected persons than the adopted regulation.